IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**WRIT PETITION Nos. 14427 OF 1999 AND 14812 OF 1999**

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**1) WRIT PETITION NO : 14427 of 1999:**

Between:

M/S.Telangana Weights & Measures Licence Holders
Association, rep. by its President Shaik Sayeed, s/o.

Shaik Omer, H.No.20-7-226, Khazipura, Hyderabad

**..... PETITIONER**

AND

1)The Secretary to the Government,
Food, Civil Supplies and Consumer Affairs Department,

Govt. of A.P., Punjagutta, Hyderabad.

2)The Controller of Legal Metrology, Weights & Measures,

Golconda Cross Roads, Near Balaji Theatre, Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned order No.7700/L1/99, dated 21.06.1999 as inconsistent with the provisions of the Act and Rules and declare the impugned

order as illegal, arbitrary and void abinitio.

**Counsel for the Petitioner: Mr.Kalyan Rao Joshi**

**Counsel for the Respondents: G.P. for Civil Supplies.**

**WRIT PETITION NO : 14812 of 1999**

Between:

Andhra Pradesh weights & Measures Licence Holders Association (Regd. No. 76) 5-3-562, I Floor, Kanta Bazaar, Opposite Osmangunj, Hyderabad - 12(A.P), rep. by its Secretary Sri M.A. Samed Baig.

**..... PETITIONER**

AND

1 The State of Andhra Pradesh, rep. by the Secretary to Government, Food, Civil Supplies and Consumer Affairs Department, Civil Supplies Bhavan, Panjagutta, Hyderabad.
2 The Controller of Legal Metrology, Golconda Cross Roads, Near Balaji Theatre, Hyderabad.
3 Sri H.S. Brahma, I.A.S., Ex. Officio Secretary to Government.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the impugned order dated 22.5.1999 issued by the 1st respondent and the consequential order of the 2nd respondent in proceedings NO. 7700/L1/99, dated 21.6.1999 as inconsistent with the provisions of Act and Rules and quash the impugned order as illegal, arbitrary and void abinitio.

**Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY**

**Counsel for the Respondents : GP FOR CIVIL SUPPLIES**

**The Court made the following :**

## COMMON ORDER:

Heard both sides.

In these Writ Petitions, the petitioners are seeking to assail the respective impugned orders whereunder repairing charges were

sought to be fixed, against which a regular remedy of appeal is provided under Section 69 of the Standards of Weights and Measures (Enforcement) Act, 1985. Having regard to the same, the very Writ Petitions as have been framed under Article 226 of the Constitution of India are not maintainable.

The Writ Petitions are accordingly dismissed with a liberty to petitioners to file regular appeals before the competent authority, within a period of six weeks from today. On filing of such appeals, the same shall be disposed of uninfluenced by any of these proceedings, after giving notice and opportunity to both parties. No costs.

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25.10.2004

**DRK**

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1)The Secretary to the Government,
Food, Civil Supplies and Consumer Affairs Department,

Govt. of A.P., Civil Supplies Bhavan, Punjagutta, Hyderabad.

2)The Controller of Legal Metrology, Weights & Measures,

Golconda Cross Roads, Near Balaji Theatre, Hyderabad

3) Two CCs to the G.P. for Civil Supplies, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

4) Two CD copies.